

## REMARKS/ARGUMENTS

As stated above, Applicants elect

- Species I: Embryo states: (b) blastocyst, as in claim 1;
- Species II: Donor cell tissue source: (c) umbilical cord blood, as in claim 4;
- Species III: Genetic state of embryo: (g) containing an exogenous vector that causes a lethal sensitivity to appropriate cultivation conditions in comparison to the particular wild type, as in claim 9;
- Species IV: Genetic state of donor cells: (i) containing an exogenous DNA sequence that causes a resistance to additives of culture media, as in claim 10;
- Species V: Species of nonhuman embryos: (k) pig, as in claim 16; and
- Species VI: Species of donor cells: (l) human, as in claims 19.

with claims 1-4, 8-14, 16, 17 and 19 readable on the elected Species, and respectfully traverse the requirement for restriction for the following reasons:

It is believed that any search for the Species embodied in the elected Species would necessarily include a search for the nonelected Species. Thus, a simultaneous search for all of the

Species is believed not to constitute an unreasonable search for the Patent Examiner.

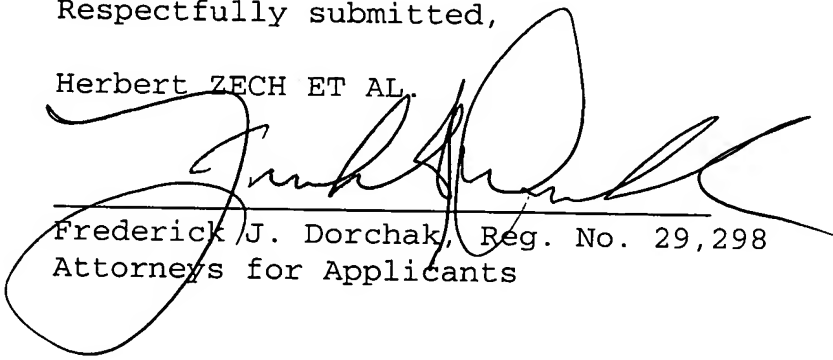
In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all of the Species. Also, the necessity of filing multiple patent applications in this case does not serve to promote the public interest because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicants reserve the right to file divisional applications for the non-elected species.

For all these reasons, it is respectfully requested that the restriction requirement under 35 U.S.C. §121 be withdrawn, and that an action on the merits of all the claims be rendered.

Respectfully submitted,

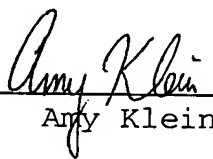
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Enclosure:      Copy of Petition - 3 month extension of time

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: COMMISSIONER OF PATENTS, Alexandria, VA 22313-1450 on May 8, 2008.

  
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Amy Klein